

Notice of Allowability

Application No.

10/694,654

Examiner

Andrea M. Valenti

Applicant(s)

IRWIN ET AL.

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03 August 2007.
2. ☒ The allowed claim(s) is/are 1, 2, 4, 6-21, 24-36, 67-70.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

Andrea M. Valenti

Andrea M. Valenti
Primary Examiner
Art Unit 3643

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeong Lee for Steven B. Pokotilow on 30 August 2007.

The application has been amended as follows:

Claim 1, line 20, "a channeling element adapted to facilitate" was changed to --a centrally disposed channeling element having left and right channel walls extending downwardly from an interior surface of said canopy to facilitate--

Claim 1, line 23, "a rear channel wall disposed adjacent said channeling element and adapted" was changed to --a front channel wall and a rear channel wall perpendicular and disposed in direct contact with the left and right channels walls and adapted--

Claim 20, line 17, "comprising a rear channel wall disposed adjacent said channeling element and adapted" was changed to --comprising a centrally disposed channeling element having left and right channel walls extending downwardly from an interior surface of said at least one canopy, said channeling element having a front channel wall and a rear channel wall perpendicular and disposed in direct contact with the left and right channel walls and adapted--

Claim 67, line 8, "the canopy" was changed to --each canopy--

Claim 67, line 21, "comprising a channeling element adapted to facilitate" was changed to --comprising a centrally disposed channeling element having left and right channel walls extending downwardly from an interior surface of each canopy to facilitate--

Claim 67, line 24, "the canopy" was changed to --each canopy--

Claim 67, line 24, "a rear channel wall disposed adjacent said channeling element and adapted" was changed to --a front channel wall and a rear channel wall perpendicular and disposed in direct contact with the left and right channels walls and adapted--

Claim 68, line 19, "comprising a channeling element adapted to facilitate" was changed to --comprising a centrally disposed channeling element having left and right channel walls extending downwardly from an interior surface of said canopy to facilitate-

Claim 68, line 22, "a rear channel wall disposed adjacent said channeling element and adapted" was changed to --a front channel wall and a rear channel wall perpendicular and disposed in direct contact with the left and right channels walls and adapted--

Claim 70, line 17, "flow tabs disposed at" was changed to --flow tabs disposed and extending downwardly from an interior surface of said canopy at--

Claim 70, line 18, "a rear edge" was changed to --a rear corner edge--

Allowable Subject Matter

Claims 1, 2, 4, 6-21, 24-36, 67-70 are allowed.

The following is an examiner's statement of reasons for allowance:

Cited references Japanese Patent JP 05168362A; U.S. Patent No. 6,729,266; U.S. Patent No. 5,048,459; U.S. Patent No. 6,227,146; U.S. Patent No. 5,924,384; U.S. Patent No. 5,349,923; U.S. Patent No. 7,036,457; U.S. Patent No. 6,543,387; U.S. Patent No. 6,336,427; U.S. Patent No. 5,044,316; U.S. Patent No. 5,954,013; U.S. Patent No. 5,823,144; U.S. Patent No. 6,158,387; U.S. Patent No. 6,588,371; U.S. Patent No. 4,343,261 teach ventilated cage racks constructed to support a plurality of cages with an air exhaust plenum; at least one canopy supported by the rack and a cage of a particular width that is of the same width or less than the width of the canopy. The prior art teaches air flow through the canopy and different structural components of the canopy that inherently influence air flow.

The prior art of record all fails to show, and fails to make obvious, either alone and/or in combination comprising canopy with a centrally disposed channeling element having parallel left and right channel walls extending from an interior surface of said at least one canopy, said channeling element having a front channel wall, and a rear channel wall perpendicular and disposed in direct contact with the left and right channel walls.

The prior art of record all fails to show, and fails to make obvious, either alone and/or in combination comprising canopy with flow tabs extending from an interior surface of the canopy at the rear corner edge of the canopy.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink that reads "Andrea M. Valenti". The signature is written in a cursive style with a large, stylized 'A' and 'V'.

Andrea M. Valenti
Primary Examiner
Art Unit 3643

30 August 2007